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OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
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NRC REGULATORY ISSUE SUMMARY 2005-27
NRC TIMELINESS GOALS, PRIORITIZATION OF INCOMING LICENSE
APPLICATIONS AND VOLUNTARY SUBMITTAL OF SCHEDULE FOR
FUTURE ACTIONS FOR NRC REVIEW

ADDRESSEES

All 10 CFR Parts 71 and 72 licensees and certificate holders.

INTENT

To communicate the benefits of pre-licensing discussions with the Nuclear Regulatory Commission (NRC) staff, improve the quality and completeness of applications, and aid planning; and to inform applicants of NRC's scheduling guidelines and timeliness goals for reviewing and processing licensing requests. No specific action nor written response is required.

BACKGROUND

On February 8, 2005, the Spent Fuel Project Office (SFPO) held a conference with licensees and certificate holders to foster improvement of the licensing process for Title 10 Code of Federal Regulations (10 CFR) Parts 71 and 72. At the conference, SFPO described the "Rules of Engagement" (NRC RIS-04-020) for licensing actions and sought feedback from SFPO stakeholders about the efficiencies and effectiveness of NRC licensing and certification processes of transportation and storage reviews. One theme that emerged at the conference was the need for more communication between NRC and applicants regarding schedules and resources required for future licensing and certification actions.

NRC's Strategic Plan (NUREG-1614) sets a goal of improving effectiveness - to ensure that NRC actions are effective, efficient, realistic, and timely. Consistent with this goal, NRC has developed timeliness measures for review of Parts 71 and 72 casework. Stakeholders at the conference remarked that having this information would be helpful for planning and determining their own schedules and budgets.

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SUMMARY OF ISSUE

INFORMING NRC OF FUTURE LICENSING ACTIONS

NRC staff encourages applicants to meet with staff to discuss potential license actions. In this way, the staff and applicants gain a mutual understanding of the purpose and type of future actions. Pre-application public meetings are a valuable component of work planning and minimize unnecessary effort and rewrites. Staff's experience has shown that these types of meetings reduce the number of requests for additional information (RAI) comments and provide a good background for reviewers. Information that is typically discussed during these meetings includes the type of and need for action, proposed schedules, licensing basis, and methodology. No regulatory decisions are made during these meetings but this opportunity allows for an exchange of information and can aid in streamlining the review process.

Estimates of future licensing action requests help NRC plan and budget work loads. Information related to future licensing actions which are considered resource-intensive, such as requests for new site-specific license applications, site-specific renewals, new spent fuel storage cask designs, and new transportation package designs, is especially helpful for developing future budgets and managing resources. Information identifying possible upcoming licensing actions is particularly useful if received by NRC by November 30th of each future year and can be submitted to SFPO via e-mail, telephone, or letter.

Information on future licensing actions can be treated, if appropriate, under the procedures listed in 10 CFR 2.390(b), which discuss the process for withholding documents, or portions of documents, from public disclosure that contain trade secrets, privileged or confidential information, or commercial or financial information.

SFPO REVIEW SCHEDULE AND TIMELINESS GOALS

Several participants at the February 2005, conference also indicated the potential usefulness, to their own budgeting and planning processes, of information about the method used by SFPO in scheduling its casework.

NRC staff's experience shows that the quality and completeness of an application and the technical complexity of a case are the key factors affecting time to complete an application review. Good quality can be achieved by providing sound engineering and scientific methods as the basis for the requested licensing actions. Similarly, completeness can be demonstrated by providing supporting information and a well organized application. Any deviations from the staff standard review plans should be clearly identified and discussed in the summittal and this information will aid in reducing the time for review. Scheduling dates are based on these factors but may be revised based on other scheduling components, such as availability of project management and technical review staff, or priority of the review based on safety or operational needs. NRC staff has found that the pre-application meetings mentioned above and use of the standard format and content for applications (e.g., Regulatory Guide 7.9), are highly effective tools for developing high quality, complete applications.

Prioritization of SFPO Workload

NRC currently processes approximately 100 Part 71 certification actions (new applications, amendments, and renewals) and 35 Part 72 certification or licensing actions annually. Prioritization of incoming work is based on the level of safety significance and need associated with an action or request. NRC has established a prioritization system for storage and transportation casework. The details of the system are listed below.

SFPO Casework Prioritization System

- Priority 1: Maintain the operational safety of spent fuel and other radioactive materials in storage and transport.
- Priority 2: Maintain the operational capability at operating reactor sites (for example, maintain full core off-load capability by moving spent fuel to dry storage), meet actual (identified) transportation requirements, or need to support transport of nuclear material.
- Priority 3: Support dry storage and/or transportation needs of decommissioning facilities.
- Priority 4: Other spent fuel storage and transportation efforts, provided these are budgeted.
- Priority 5: Other spent fuel storage and transportation efforts, which are not budgeted and no effort or resources are scheduled or planned.

Scheduling Guidelines

In addition to the prioritization system, NRC Project Managers estimate schedules for licensing actions under both Parts 71 and 72 based on the type and complexity of the action. Scheduling guidelines set a general schedule for new casework. Scheduling guidelines are listed below.

- Transportation certificate renewals, or transportation or storage amendments that do not require detailed technical review are typically scheduled for a 2 to 5 month completion time.
- Storage or transportation amendments that need technical review by one to three disciplines, for example, a structural, thermal, containment, materials, or criticality reviewer, are typically scheduled for approximately a 7 month completion time.
- Non-spent fuel transportation package designs, or complex amendments for storage or transportation that need technical review by more than three technical disciplines are typically scheduled for approximately a 9 month completion time.

- New spent fuel transportation package designs, and new storage casework or storage amendments that need technical review by more than five technical disciplines, are typically scheduled for approximately an 11 month completion time.

With respect to the level of effort, there is a wide variation based on the nature of the request and the quality of the application. Transportation certificate renewals and simple amendments typically take tens of hours to process, whereas the most complex reviews typically take 1 to 2 staff years.

Timeliness Goals

SFPO's goal is completing 100 percent of storage and transport licensing actions in 2 years or less. To this end, separate timeliness goals have been set for subsets of the overall workload. A timeliness goal for Part 71 is completion of 80% of all cases in less than 7.7 months; and 80% of all Part 72 cases in less than 13.3 months. These goals include actions of all types and complexities. Less complex actions are generally completed in a shorter amount of time and the timeliness goals are balanced by the more complex actions requiring longer time for completion. The timeliness measure does not include the time interval when the licensee is preparing a response to RAIs.

Ongoing SFPO Initiatives

To extend the effort of continuous improvement, SFPO has set a separate goal of improving timeliness efficiency by 5% per year for each year after the 2005 baseline of 8 months (Part 71) and 14 months (Part 72). SFPO has set this goal for continuous improvement to achieve overall improved efficiencies in the licensing and certification process.

Another initiative that resulted from the February 2005 conference is the formation of an industry working group dealing with spent fuel storage and transportation issues. NRC has appointed a staff member as point of contact. The staff person will interact with the working group as it identifies issues concerning Part 71 and 72 stakeholders.

PAPERWORK REDUCTION ACT STATEMENT

This regulatory information summary contains voluntary information collection that is subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collections were approved by the Office of Management and Budget, approval number 3150-0011, which expires February 28, 2007.

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CONTACT

Please direct any questions about this matter to the technical contact listed below.

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